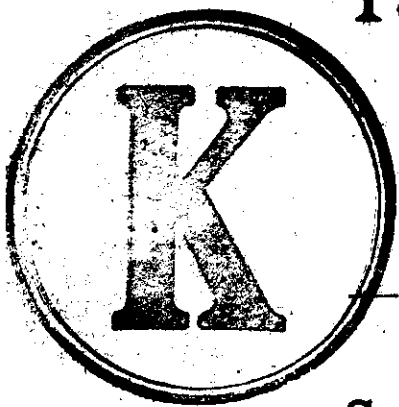




1950

File No. ^{O. Govt. Premises}
(eviction) /50

Legal Deptt

A BRANCH

Subject:— Opinions under the
Govt premises (eviction)
Act 1950

~~24/11~~

File No.

Gen. 104

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**Govt. Premises
(Eviction)/1950.**

Opinions under
the Govt. Premises
(Eviction) Act, 1950.

1. On. 5962
8-5-1950

Premises used for
non-residential purposes -
Premises in "Hafiya Mansii"
possibility and requisitioning
for boarding houses.-

1.

2. On. \$100
15-6-

There is no objection to the Police Authorities helping Re Competent Authority in the forcible eviction of the unauthorised occupants.-

5.

8. On. 9135
3-7-50

Acceptance of rent
of the Govt. should not pre-
judice Re remedy of
Central Govt.

3.

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It may be feasible to requisition the premises in 'Kafiya Mansil' under section 3 of the Bombay Land Requisition Act, 1948. Three of the premises are admittedly used for non-residential purposes, and it would be possible to requisition the premises used for boarding houses also under section 3. (See Advocate General's opinion No. 45 of 1948 dated the 7th Oct. 1948).

2. However, requisition premises of this kind is bound to involve Government in litigation and the prospects of getting immediate vacant possession are very doubtful.

3. It would appear that upon purchase by the Government of India, the building will belong to Government. It will then be taken out of the purview of the Bombay Rents, Hotel and Lodging House Rates (Control) Act, 1947, section 4 of which declares that the tenancy act shall not apply to any premises belonging to Government. The Central Government can then proceed to give to the tenants the usual notice to quit, and on the expiration of that notice the lessees will be bound to put the lessor into possession of the property. The possession by the tenants will thereafter become unauthorised, so that the provisions of section 3(1) (h) of the Government Premises (Eviction) Act, 1950, can be invoked for evicting the tenants and thus getting vacant possession. That appears to be a more speedy and effective way of getting vacant possession which the Government of India may be advised to pursue if necessary, in consultation with the Ministry of Law.

S.D./ P.M. Lad.

C.C.

Remembrancer of Legal Affairs.

Office of the R.L.A.

Since the Competent Authority has Authorised under the Government Premises (Eviction) Act, 1950, to use such force as may be necessary in the discharge of its public duty viz. of taking possession of Government premises, there is no objection to the Police Authorities helping the Competent Authority in the forcible eviction of the unauthorised occupants.

No formalities are necessary for rendering police help to the Competent Authority. However the person seeking such help should be duly empowered by the Central Government by a notification published in Official Gazette to exercise the powers of the Competent Authority under the Act and must have given 15 days notice to the occupants in Form A prescribed under the Government Premises (Eviction) Rules, 1950.

S.D. P.M.Lad.

e.e.

Remembrancer of Legal Affairs.

VGP.

8-6-55.

Office of the R.L.A.

Strictly speaking the acceptance of rent by this Government should not prejudice the remedy of Central Government. In any ^{case} ~~case~~ with the expenditure ^{is} ~~is~~ remedy provided by the Government premises (Evictions) Act, 1950, it is no more necessary for the P.M.G. to have recourse to the Court of Law. He may after securing the necessary authorisation from the Central Government proceed under the provisions of that Act.

S.D. P.M.Lad.

S.S.

Memorandum of Legal Affairs.

U.R. to P.W.D. No. 9135 dated the 3rd July 1950.

VOP.

8-6-50.